

# The Spirit of Freedom in Western Virginia After 1800

By John Reuben Sheeler

Many writers have treated the Negro in Virginia in some details. Most all such research writing has been done since the Civil War. In practically all of such studies there has been little or no reference to the Negro in the western counties. There have been no less than three reasons for the neglect. First, those treating Virginia have considered the western counties, even before the Civil War, as West Virginia because that area did break from the Old Dominion. Second, those writers treating West Virginia have considered that area as Virginia, and third, there was just a neglect in thinking of the Negro at all in such frontier areas as western Virginia was at that time.

So lacking in awareness of the fact that the western counties of Virginia were to form West Virginia, a Virginian historian recently made comparisons of property holdings of Negroes in Virginia before the Civil War with those after the Civil War and was greatly amazed that it was lower. His interpretations proceeded on an erroneous assumption that Negroes were less inclined toward holding property after the war than before.

Though there was never a large number of them in the western counties, the movement of Negroes into the West did occur concurrently with that of the white people, and by association with the Indians many runaways found refuge in the western counties. By 1800 there were Negroes in the western counties in small numbers along with the white people and the Indians.

Before 1800 it was quite common for Negroes to be taught to read and to write a little. As early as 1719 there was evidence of some interest in Negro education. In Princess Anne County at court held the third of February that year, upon the petition of John Jameson, it was ordered "Ned Anderson, a free Negro boy, be bound out to him till he comes to age that he teach him to read and the trade of a tanner." In the same county on July 5, 1727, it was "ordered that David James, a free Negro,

be bound to Mr. James Isdel who is to teach him to read the Bible distinctly, also the trade of a gun smith."<sup>2</sup> The following advertisement gave high praise to the education and qualifications of a young Negro in 1767 in the *Virginia Gazette*:

A valuable young handsome Negro fellow, about 18 or 20 years of age, has every qualification of a genteel and sensible servant, and has been in many different parts of the world. He shaves, dresses hair, and plays on French horn. He lately came from London and has with him two suits of new clothes, and his French horn, which the purchaser may have with him.<sup>3</sup>

The teaching of free Negroes and mulattoes and, in many instances, of slaves was once carried on quite freely in Virginia. Many of the holders in western counties insisted on teaching their slaves to read the Bible. Until the Gabriel Insurrection in 1800, the teaching of Negroes by the overseers of the poor was a requirement. It was no longer in force after that time.<sup>4</sup>

The Gabriel Insurrection was so named for its instigator, an intelligent twenty-four-year-old slave of Thomas Prosser of Henrico County, who collaborated with the twenty-eight-year-old Jack Bowler in a design to take Richmond by night. They had planned to kill the males and divide the females and exterminate the white population throughout the state. They had gathered arms, knives, scythes, and clubs and were to assemble at the water front with their organized force of more than a thousand Negroes. A storm had swollen a stream which made the attack impossible that night. During the next day a slave named "Pharaoh" escaped from them and aroused the city of Richmond. A reward of three hundred dollars was offered for Gabriel, who was soon captured and executed along with twenty other Negroes. On the day of the Gabriel execution, Nat Turner was born. For the lack of evidence and greatness of numbers, others were dismissed. Shortly thereafter a guard of sixty-eight armed men and a captain was placed to protect Richmond against the Negroes. Under a veil of secrecy, the Assembly and Governor James Monroe corresponded with President Jefferson in an effort to acquire land "without the limits of this state, whither persons obnoxious to the laws or dangerous to the peace of society may be

<sup>2</sup> *Ibid.*

<sup>3</sup> *Virginia Gazette*, August 6, 1767; *Virginia Historical Magazine*, Vol. I, p. 99.

<sup>4</sup> *Reeling, Statutes*, Vol. XVI, p. 124.

removed."<sup>5</sup> At first President Jefferson suggested the West Indies, then he agreed to a plan to acquire territory in Africa.<sup>6</sup> Efforts were then made to obtain permission to send them to Sierra Leone Colony in Southwest Africa on the border of present Liberia. This attempt failed and Jefferson then tried to no avail to get Portugal to grant land in Brazil. This plan was to gain control in Latin America of a region to be peopled by nearly four million Negroes, who were then to serve the interests of United States trade. In 1804 the Virginia Legislature tried to get Jefferson to consider a portion of his newly acquired Louisiana territory, but he would not consider it.<sup>7</sup> In 1797 Jefferson had expressed concern over the slavery question in a letter to St. George Tucker on August 28. He wrote:

From the present state of things in Europe and America, the day which begins our combustion must be near at hand; and only a single spark is wanting to make that day tomorrow. If we had begun sooner, we might probably have been allowed a lengthier operation to clear ourselves, but every day's delay lessens the time we may take for emancipation. . . . There is but one state in the Union which will aid us sincerely, if an insurrection begins, and that one may, perhaps have its own fire to quench at the same time.<sup>8</sup>

Though much concerned with his native Virginia and her future with the slavery issue, Jefferson was able to do no more about the condition than to secure bills to prohibit importation, as Governor of Virginia in 1778 and as President of the United States in 1806. He later wrote prophetically of the situation in Southern states:

I am obliged to confess that I do not regard abolition of slavery as a means of warding off the struggle of the two races in the Southern States. Negroes may long remain slaves without complaining; but if they are once raised to the level of freedmen, they will soon revolt at being deprived of almost all civil rights; and as they cannot become equals of the whites, they will speedily show themselves as enemies . . . when I ponder the condition of the south I can only discover two alternatives which may be adopted by the white inhabitants of those states; viz., either emancipate the Negroes and to intermingle with them, or, remaining isolated from them, to keep them in slavery as long as possible. All intermediate measures

<sup>5</sup> *Calendar of Virginia State Papers*, Vol. IX, p. 193.

<sup>6</sup> *Writings of Thomas Jefferson*, ed. John C. Riker (New York, 1853), Vol. IV, p. 412.

<sup>7</sup> Walter L. Fleming, "Deportation and Colonization" in *Studies in Southern History and Politics* (New York, 1914), p. 4.

<sup>8</sup> *Writings of Thomas Jefferson*, IV, p. 196.



seem to me likely to terminate, and that shortly, in the most horrible civil wars. . . .<sup>9</sup>

In an effort to rid Virginia of the growing number of free Negroes who were considered "obnoxious to the laws and dangerous to the peace of the state," a law to that effect was passed by the Assembly in 1806. That law required that,

Any slave hereinafter emancipated who shall remain within the commonwealth more than twelve months shall forfeit all such right, and may be apprehended and sold by the overseer of the poor of any county or corporation in which he shall be found for the benefit of the poor of such county or corporation.<sup>10</sup>

This act resulted in many Negroes purchasing freedom for their relatives and simply holding them as their own slaves, instead of emancipating them and making them subject to this law. Most of these cases were free Negroes purchasing slave girls for wives. If a Negro were freed, he could remain in the county on condition that the county court grant him permission to remain, and permission to remain in the commonwealth was obtained by presenting a petition to the Virginia Assembly. It was also enacted that the state could sell the slave property of those who had brought them into Virginia without proper registration within the one year limit. Such slaves would either be sold or set free by the laws of the commonwealth, and if convicted of a crime the county could execute them without paying the owner for them.<sup>11</sup> While these regulations of the law of Virginia were to be in effect over the entire state, it is doubtful that they were universally observed, especially in the region west of the Alleghenies.

In the West both slave and free Negro populations were on an increase. In Harrison County there were five hundred sixty-four white inhabitants in 1798 and thirty-eight Negroes. At the formation of that county in 1784, there were a few Negroes already within its borders. Monongalia County had one hundred sixty-three slaves and eighteen free Negroes by 1800. By 1810 there were three hundred fifty-one slaves and thirty-seven free Negroes, and during the next ten years the free Negro population had increased more than three times that number, reaching one hundred seventeen. By 1810 there

<sup>9</sup> De Tocqueville, *Democracy in America* (New York, 1862), Vol. I, p. 426.  
<sup>10</sup> *Virginia Statutes at Large* (Richmond, 1802-1808), new series, III, p. 252.  
<sup>11</sup> *Acta Passed by the Assembly of the Commonwealth of Virginia*, pp. 9-36.

were four hundred forty slaves and fifty-four free Negroes in Ohio County.<sup>12</sup> In 1812 a list of black tithables of Brooke County carried one hundred fifty names. A county list of free Negroes and mulattoes showed twenty-one living in the county, one being recorded as a farmer, while others were listed as laborers and spinsters.<sup>13</sup> Greenbrier, Hampshire, Pendleton, and Berkeley Counties, along the eastern borders of what later became West Virginia, shared an increasing population of Negroes both slave and free, because the planter system did prevail in those areas. Shortly after 1800 some settlements along the Guyandot River began to develop small plantations. In what is now Wyoming County, Edward McDonald and his son-in-law, James Shannon, brought some slaves and settled near Clear Fork at "Big Bottom." Later another slave plantation was developed at Baileysville about 1813. James Cook, the son of old John Cook, the first settler of the Guyandot Valley, was first to bring Negroes to the "Big Huff Creek" section.<sup>14</sup> Across the northern part of the state in the Monongahela Valley, down the Ohio Valley and in the Kanawha Valley were to be found sections conducive to the agrarian system and an increasing use of slavery and its by-product population of free Negroes. In Greenbrier County were a few members of the overseer class and even an occasional Negro overseer.

From 1800 until 1830 the trans-Allegheny region was prosperous, and along with this prosperity went an increase in Negro population, which exceeded the percentage of increase among the white population. Many of the older large counties were being divided to form new counties in the West. Despite the fact that there was no office of price controls in those days, it was felt expedient in the state to set up some regulations on prices to be charged the traveler who might be passing to the West. Prices for meals, lodging, and the overnight stand for the horse, as well as those on gin, brandy, beer, good whiskey and bad whiskey, were stipulated.<sup>15</sup>

Some iron industry had begun its development in the northern part of the state by 1815. At the McCarthy Brothers fur-

<sup>12</sup> Ohio County Virginia Third Census, 1810, compiled by Anne Walker and Burns Bell (Manuscript) (Washington, 1934), p. 48.

<sup>13</sup> Photostat copies of county lists of free Negroes and mulattoes from many counties are in the possession of the writer.

<sup>14</sup> W.F.A. Greene and the Cook Family (Charleston, W. Va., 1940), *Folk Studies* No. 4, p. 4.

<sup>15</sup> Harrison County, Court Records, 1784.

naces, twelve miles south of Romney on Middle Ridge, the accounts of Colonel Edward McCarthy from 1815 to 1818 show entries relative to Negro labor used there. There is mention of charges for Negroes' services in which McCarthy, the party of the first part, received wages; the party of the second part received the services of the Negroes. The Negroes were the neglected third party who gave all and got nothing in the deals. On other occasions there were payments for shoes and other equipment to be used by the Negroes in their work. Thus it is evident that Colonel McCarthy used the labor of his Negroes, and hired their services to others when they were not in his employ.<sup>16</sup> Iron works in Monongalia, Hancock, and Ohio Counties were outstanding for their products.<sup>17</sup>

Salt making became a paying industry in the Kanawha Valley about 1808 when David and Joseph Ruffner opened a profitable business there. By 1814 the "salines" covered a distance of six miles along the Kanawha River in the vicinity of Charleston. Approximately twenty-five hundred persons were employed in connection with the salt works in 1814.<sup>18</sup> Some slaves were owned by the salt producers, while many slaves were hired by the year on contract with their masters. Not only were Negroes hired in the vicinity of the Kanawha Valley, but they were brought in on such contracts from as far away as Parkersburg. It was customary to hire out slaves on contract for one year at a time. This was usually done at Christmas time or early in the year, and the slaves were taken away in January and kept until the following Christmas when they were returned. Consequently, Christmas week was a big time for the slaves in the western part of Virginia, for it was then that they enjoyed a week of vacation at home. The person hiring the slave was responsible for his food, clothing, and medical care while a sum was paid to the owner.

The following is an example of a contract:

Kanawha Saline

January 16, 1822

On or before the twenty-fifth day of December next I promise to pay William R. Cox on order one hundred and fifty-nine

<sup>16</sup> *Lecture of Col. Edward McCarthy's Hampshire Furnace, Hampshire County Court House, Romney, W. Va.*  
<sup>17</sup> *Charles H. Ammer, West Virginia, The Mountain State* (New York, 1940), reprinted 1940, p. 122.  
<sup>18</sup> *Ibid.*, p. 122.



dollars, the same being for the hire of five negroes to wit, Julius, fanny, [sic] Coy and two girls from this time to the said twenty-fifth day of december [sic] next which negroes I am to clothe, pay their tax and return at the expiration of said time witness my hand and seal this said 16th day of January, 1822.

Charles G. Reynolds<sup>19</sup>

Quite often the owners of slaves in the trans-Allegheny advertised their Negroes for hire through the newspapers, as did Mrs. Mary Jones in a Charleston paper: "Will be hired out on 15 inst. until the 25th December, next 12 or 15 valuable Negroes, at the present residence of Mrs. Mary Jones, six miles west of the falls of the Kanawha."<sup>20</sup> The office of the *Kanawha Spectator* advertised that, "A negro girl who is acquainted with housework may be hired upon good terms by the year or month." Amelia Eichelberger advertised her slaves for hire at Darksville, who consisted of "a number of valuable men, women, boys and girls."<sup>21</sup> Some persons hired out as many as fifty Negro slaves for cash in this manner.<sup>22</sup>

Near the furnaces along the Kanawha could be seen the little shanties in which the hired workers lived. Among the workers were the white laborers, the hired slaves, and a few free Negro workers.

During the first three decades after 1800, the county courts in the West were concerned with the question of Negroes in wills and deeds, suits of Negroes against their masters for freedom under the law of 1787, punishment for Negroes convicted in their courts, and with records of the free Negroes, and petitions of Negroes to remain in the state of Virginia.

Some of the wills merely passed slave property on to the relatives of the subject, while some others made interesting provisions for emancipation. In Monongalia County one John Ramsey provided by his will in 1796 that "one mulatto woman named Luce . . . and her increase shall never be sold out of the family."<sup>23</sup> On April 11, 1814 Thomas Claire wrote provisions in his will that,

<sup>19</sup> *Kanawha County Records*, 1822.

<sup>20</sup> *Kanawha Banner*, January 4, 1821.

<sup>21</sup> *Kanawha Spectator*, December 2, 1820.

<sup>22</sup> Charles H. Achsah, *Sectionalism in Virginia from 1776 to 1861* (Chicago, 1910), p. 128.

<sup>23</sup> John Ramsey, "Will," in Circuit Court office, Monongalia County Order Book 1 (W. Va.), p. 282.

It is my desire that all the slaves I hold shall receive their freedom, and I do accordingly set free my negro man, Isaac and give and bequeath to him the full use and benefit during his life time twenty acres of land . . . lying near Cheat River. I also give him one cow and calf, farming utensils . . . one third of my clothes . . . and to his sons, William and Peter, fifty dollars.<sup>24</sup>

Another will that same year by William McCleary, the founder of Morgantown's Presbyterian Church, stipulated that "Becky" a mulatto girl be "set free when my said wife may think it most advisable after she my said wife hath taught or caused her to be taught to read the Bible."<sup>25</sup> In Wood County, Isaac Williams provided in his will that his slaves serve his wife during her life time and then be set free with an exception of Phoebe. It was his desire that Phoebe "be set free at my decease . . . as though she had been born so," and that his executors pay to her one hundred dollars as soon after his death as they could "with convenience pay it." He further provided that the remainder of the slaves be emancipated on reaching the ages of eighteen, in case of females, and twenty-one in case of males with each to be given one hundred dollars. From this provision he excluded Ann and Millard who he said were married and living in Ohio, and considered by him as already free. To Jesse Emings, one of the slaves, he wrote,

For his good and faithful service at all times rendered to me and my family, I give and bequeath to him my rifle gun with all the accountriments [sic] to the same belonging and also I give him one of my horses with a good saddle and bridle.<sup>26</sup>

Deeds of emancipation were issued for Negro slaves in some of the western counties for some meritorious reasons. The deed of manumission by William Taylor of Jefferson County is typical of this type of emancipation. It was issued on November 16, 1816 and stated:

Know all men by these presence that I, William Taylor, of Jefferson county, Virginia for good causes me thereunto moving and for the extraordinary good conduct and character of Negro Cyrus a slave my property, I, the said William Taylor

<sup>24</sup> Thomas Clark, "Will," in Circuit Court office, Monongalia County Order Book I, 179, Va. 1, p. 302.

<sup>25</sup> William McCleary, "Will," Circuit Court office, Monongalia County Order Book I, p. 301.

<sup>26</sup> Isaac Williams, "Will," written May 8, 1820, Wood County Papers. These papers have been inundated by Ohio River flood waters and are in bad condition and in no particular order.



do by these presents do liberate, manumit and set free said negro slave, Cyrus, aged about thirty-nine years, stout made and of a rather yellowish complexion, to have and to enjoy his full liberty and freedom from slavery from the date hereof.<sup>27</sup>

The case of Ben in Pocahontas County is one in which the manumission was based upon meritorious service to his master. The records of that county in 1827 show the following statement:

Ben, a man of color, who is entitled to his freedom under the last will and testament of Jacob Warwick, deceased, bearing date on the seventh day of March, 1818, of record in the clerk's office of this county, this day mentioned the court (the commonwealth's attorney being present) for permission to remain in this county; whereupon it is the opinion of the court that the said Ben be permitted to remain and reside for his general good conduct, and also for acts of extraordinary merit, it appearing to their satisfaction that the said Ben hath given reasonable notion of this motion.

The acts of extraordinary merit upon which the order of the court is founded are the following: It appearing from evidence of Mr. Robert Gay, an early period when the county of Bath (now Pocahontas) was invaded by Indians, he protected with fidelity the possessions of his master, and assisted in defending the inhabitants from the tomahawks and scalping knife. In addition to this public service it appears from the evidence of Messrs. Waugh and P. Bruffey that he rendered most essential service to his master in saving his life on divers occasions.

Upon these meritorious acts, the court granted their order.<sup>28</sup>

In Kanawha County the case of Isham D. Bagley with John Hartley revealed an estate in which a Negro girl was an heir.<sup>29</sup> James Hague gave freedom to Lucy and her children providing them a place to live and household goods.<sup>30</sup> Similar deeds were issued between 1815 and 1820 by Benjamin Davenport to a Negro named Harry, by Reuben Jordan to Marie and by John Downey to Edward Parker.<sup>31</sup> In Jefferson County and other counties bordering upon the Shenandoah Valley there were numerous instances of slaves transferred as gifts to the descendants of the makers of wills and deeds. They considered it quite thoughtful to give a young female slave to their daugh-

<sup>27</sup> Jefferson County, Deed Book X, November 24, 1818, p. 5.

<sup>28</sup> Pocahontas County, Court Record, March, 1827.

<sup>29</sup> Kanawha County Court 1819-1.

<sup>30</sup> Kanawha County Court 1821-17.

<sup>31</sup> Jefferson County, Deed Books VIII-X.

ters or granddaughters. William Lee of Charles Town so remembered several of his relatives.<sup>32</sup> Hezekiah Davison, one of the first citizens of Clarksburg and Harrison County, provided that his slaves and personal property be sold "to support the liberal education" of his son.<sup>33</sup>

Suits by Negroes for their freedom filed in "formo pauperis" in the western counties of Virginia were of an increasing number during the first two decades after 1800. It was during the third decade that these suits began to decline and shortly after 1830, they vanished from the courts as far to the northwest as Wheeling. In the district court of Kanawha County, as early as 1787, a suit was initiated in the case of Fuqua and Graham seeking their freedom.<sup>34</sup> In Monongalia the case of Anthony Williams, a free man of color vs. Mathias Hite was of particular interest on account of its implications and his eventual acquisition of freedom. On July 3, 1792, according to indenture document, Negro Anthony Williams signed with Mathias Hite to serve eight years, after which Anthony was to be given a horse, saddle and bridle. July 3, 1800 Mathias Hite wrote the following note,

Tone, this is the day I meant to set you free from slavery and as you broke and violated your part of the agreement, I will yet do this if you will stay peaceably until my harvest is secured in status. I will then step into Court and emancipate you from all men according to law, if you will not consent to this I shall not free you as no law can compell me to.<sup>35</sup>

Jacob Hill, a deponent in the case, testified that Anthony had agreed to remain two years with him and learn the Joiner's trade and this was agreed to by Hite.

According to the way of handling these cases, Anthony Williams was placed in jail and remained there to await the outcome of the case. It was finally ordered by the court in August "that the said Anthony be set at liberty and that the several papers here in recited be preserved in Court to conform with the order."<sup>36</sup>

In several cases in Ohio County, Negroes filed for and obtained freedom. Some of these were against Austin Nichols

<sup>32</sup> Jefferson County Deed Book IX, p. 2.  
<sup>33</sup> Harrison County Court, Will Book 1, pp. 38-39.  
<sup>34</sup> These records are in the Archives of the State of Virginia.  
<sup>35</sup> Monongalia County Court.

who seemed to have dealt in many illegitimate transactions relating to the obtaining and selling of Negro slaves. In 1807 he was placed under eight hundred dollars bail to appear in a case of two mulattoes, Silas and Jesse. He was charged with denying their legitimate freedom, and was to appear in Noah Zane's court the first Monday in January. Silas and Jesse were set free.<sup>37</sup> The case of Abraham, Eleanor, Lydia, (yellow persons) and Jenny, a black person, was filed against George Matthews for freedom of the Negroes. Philip Doddridge prosecuted the case and won judgment in the Ohio County court, but upon George Matthew's appeal to Richmond, Doddridge was not able to get judgment sustained by the failure of Matthews or his attorney to appear. In this case Jenny, the black woman, had been brought to Ohio County by Thomas Selman, the father-in-law of George Matthews, without his having taken the oath of 1787 which required registration within one year of slave property brought into the state. All three of the mulatto children had been born to Jenny since her entrance to Ohio County. Freedom was denied in the Richmond Court of Appeals.<sup>38</sup>

On October 14, 1818, Amos Timmons, a Negro slave, sent the following letter to Attorney Philip Doddridge who prosecuted most of the cases for freedom in Ohio County:

Dear Mr. Doddridge, I have wrote to you to know whether you can free me or not sir, and if you can I would wish to know before you go away and if you can write to me whether or not sir and if you will leave a few lines at your house by your lady and I will come and get them sir and that will make me easy until your return. And if you please to undertake this Business sir I will give you good security for yore trouble in this matter so no more at present but still your humble servant

Amos Timmons<sup>39</sup>

On April 28, 1819, the case of Amos Timmons vs. Mary and Elizabeth Wyat was filed by Philip Doddridge in Superior Court. Complainant was placed in jail in the care of the sheriff and the defendants summoned to court. Timmons was granted freedom because his mother thirty years earlier had been brought illegally into Virginia by Richard Nichols.<sup>40</sup>

<sup>37</sup> Ohio County Court Record, Nov. 28.

<sup>38</sup> Ohio County Court, 1812, Env. 80-C-2.

<sup>39</sup> Photostatic copy of letter in possession of the writer.

<sup>40</sup> Ohio County Superior Court, 1812, Env. 72-C-2.



June 13, 1820, Amos, a black man, Joseph, a black boy, Hannah, a black girl, Raney, a black girl and her infant Tilitha, filed suit against James Meekin of Ohio County. All the complainants were the children and grandchildren of Raney, a black woman, who was in the service of Michael Cresap. They were brought from the eastern shore of Maryland, and the law of 1787 had not been properly complied with by Richard Weatherhead who brought them.<sup>41</sup> On April 27, 1821, Sarah and her two children filed for freedom on a claim that she was also a daughter of Raney.<sup>42</sup> Raney filed for her own freedom on August 22, 1821. This case was particularly interesting in that Michael Cresap served as the justice who notarized a testimony in behalf of Raney, and he seemed to have demonstrated practically no effort to restrain Raney from obtaining her freedom which she received with one cent damages.<sup>43</sup> It further appears that Richard Weatherhead had held intentions of freeing this group of Negroes as he moved westward.

The case of Nancy, John, Ally, Bill, Herman, Nancy Ann, and Nathaniel vs. Richard Parrot was lost by the complainants when two justices in Cumberland, Allegheny County, Maryland, supplied affidavits swearing that they knew Richard Parrot and that he did leave there in 1806 and took eight slaves with him. William Riddle of Berkeley County sent an affidavit swearing that the proper oath had been taken according to law by Parrot upon his entrance into Berkeley County, Virginia.<sup>44</sup>

George, a black man, filed for his freedom from Robert Wood who was one of the largest slaveholders in Wheeling.<sup>45</sup> On April 25, 1821, another case of George, a black man, was filed by Philip Doddridge, his attorney, against Ruth Jacobs.<sup>46</sup> Milla and her two children filed cases in 1824 in which Doddridge served as prosecutor. The mother of Milla had been brought from Pennsylvania after that state had passed a law for gradual emancipation of its slaves. After an examination of the evidence the court issued a statement that,

The mother of the petitioner and of the others, her productivity are and were in a state to claim their freedom, and were

<sup>41</sup> Ohio County Superior Court, 1820.

<sup>42</sup> *Ibid.*, Dec. 14-20.

<sup>43</sup> *Ibid.*, Dec. 19-C-4.

<sup>44</sup> Ohio County Superior Court, 1822, Dec. 24-C-4.

<sup>45</sup> Robert Wood had formerly slaves.

<sup>46</sup> Ohio County Superior Court, Dec. 24-C-2.

and are free born—the subscriber states that the female ancestors of the petitioner were not Virginia slaves and that he thinks the offspring of the said female cannot be holden as slaves in the state of Virginia. The subscriber is therefore of opinion that the petitioners are entitled to their freedom.

P. Doddridge<sup>47</sup>

In the same year Nell, a black woman, sought her freedom from James D. Cresap through court channels. She was denied freedom as a result of a hard fight on the part of Cresap in protest.<sup>48</sup>

Freedom seemed to be on the move in Ohio County for a short period of time. One might be interested in relating some of the action and spirit of the court to that of the church in and around Wheeling at this time. It was in the Methodist Church that the question of slavery was a very disturbing question. The Quakers had even earlier forced the issue and taken their stand against it. In 1819 the Rev. John Waterman, a circuit rider of the Ohio Conference, preached a sermon in Wheeling condemning slavery. Waterman was driven out of town by a group led by Noah Zane, a wealthy citizen and slaveholder, and James Spriggs, a prominent lawyer. For several months the Methodists had no preaching in Wheeling. However, in 1820, the Baltimore Conference sent a young minister, George Brown, to Wheeling. Brown understood the situation and later wrote of it in his book, *Recollections of Itinerant Life*:

On my first Sunday in Wheeling, after preaching morning and evening, I announced preaching for Thursday night, and there was a large crowd congregated for a week night. Among the rest came Noah Zane, and wrapped in a large blue cloak, he took his seat among the ladies, and paid very strict attention, while I discussed the great question of moral justice, and brought it home to the conscience as clearly as I could. When the meeting was dismissed, Zane, whom I had never seen before, went out and waited at the door for me. At last he sent a man to tell me he wished me to go home with him, I went to the door and declined, saying I had engaged myself another way. But he would take no denial, he said he had business with me, and I must go to his house that night. I felt some reluctance knowing how he had used Waterman; but got myself released from my other engagement, and went with him,

<sup>47</sup> Ohio County Superior Court, 1824, Enc. 85-C-1.

<sup>48</sup> Ohio County Superior Court, 1824.

wondering, as we walked arm in arm together, what business he could have with me. Finally he introduced Waterman's case, said he was a man of splendid talents, and that he and Spriggs had greatly misused him, and that he had been ashamed of his part in the transaction ever since. But, he said, 'Brown, while you discussed the question of moral justice tonight, I resolved that I would free two negroes before I sleep, and my business with you is to have you sign their free papers as a witness. On Last Thursday I sold two colored women for fourteen hundred dollars, to go South, and next Monday morning they were to have been delivered to the purchaser. I know I am a wicked man; but I still have a conscience. I can never put that money in my pocket. I must cancel the transaction and I will do it this night before I sleep. Your sermon led me to change my mind, and I want you to witness their emancipation.'<sup>49</sup>

During the course of the night as the hour grew late, after much discussion of the many thoughts and ideas of Noah Zane, the freedom papers were signed by the Reverend Brown, and Zane continued a process of emancipation of his slaves. In the will written by Noah Zane in 1833 there is no mention whatsoever of any slave property.<sup>50</sup>

Court convictions and punishment for Negroes in the western counties before 1830 varied in different counties from time to time. The arrests and convictions of Negroes, both free and slave, led many to believe that Negroes were more criminal in percentage of population than were the white settlers. The fact was that these arrests and convictions showed that it was the Negro who was most likely to be accused of crime. He was considered subversive to the system of laws which were set up in reality against him. The Negroes were arrested and stood little or no chance of exoneration in a court whose jurors were required to own more than three hundred dollars in slave property. The counties could administer the death penalty to the slaves, but not to free people who, if white, were either pardoned by the governor or permitted to escape further west.<sup>51</sup> Negroes were hanged for stealing, while many of the early settlers of respectable status had been guilty of far more serious crimes.

<sup>49</sup> *West Virginia History*, Vol. III, pp. 33-34.

<sup>50</sup> *Legislative Papers of Virginia*, 1833: December 13, 1833, a copy of the Noah Zane Will.

<sup>51</sup> Percy Raymond, *History of Harrison County, West Virginia* (Morgantown, 1910), p. 340.



In 1802, Dick, a Negro man, property of Colonel George Jackson, was charged with stealing and carrying away certain property. His plea of not guilty failed to save him from the gallows on Saturday, January 22, 1803. Whereupon his master was paid three hundred dollars which was the estimated value placed by the court.<sup>52</sup> Isabella, a Negro slave, the property of Benjamin Wilson, was indicted, convicted and sentenced "to be burned in the Hand and that the sheriff give her 39 lashes on her back at the public whipping post."<sup>53</sup> Every county had stocks, pillory, ducking stool, and whipping post. The whipping post was the last to vanish in Virginia. The next year Rachel, a Negro woman slave, and the property of Jacob Means, was charged with burglary and larceny for which she received thirty-nine lashes on her bare back from the sheriff.<sup>54</sup> Probably the last act of burning a Negro in the hand was that of a Negro named Simon in Hampshire County. At the July court, 1828, Simon, the property of David Collins, was tried on a charge of assault. Without a jury, he was found guilty and sentenced to be burned in the hand and given one hundred lashes. This was followed by a very limited diet while he remained in chains. The sheriff "immediately burned him on the hand in the presence of the court and gave him the lashes."<sup>55</sup>

The most brutal treatment of a slave in western Virginia was a case that was so distressing to the people of Brooke County that it was brought to trial there and exposed in its entirety. William Meyers, a Dutch yeoman and his wife, Elizabeth, were charged with beating to death a Negro slave girl, Hannah, who was their property. "Willful, deliberate, premeditated, cruel and excessive whipping, beating, starving and by exposure to weather between June 10, 1809 and December 22, of the same year" was the means by which the Meyers couple had disposed of Hannah, the thirteen year old girl. Disturbed by the cruelty and by the suffering of the Negro girl, neighbors reported William and Elizabeth Meyers to Brooke County officers. In the court it was pointed out that Meyers had whipped Hannah with a seven foot long pole and left

<sup>52</sup> Harrison County Court, Minutes, November 24, 1802.

<sup>53</sup> Harrison County, Minutes, 1803, p. 120. Every county had stocks, pillory, ducking stool and whipping post. The whipping post was the last to vanish in Virginia.

<sup>54</sup> Harrison County, Minutes Book, 1808-09, p. 120 (July 18, 1808).

<sup>55</sup> Minutes Book, July Court, 1828.

wounds six inches long and one-half inch deep across her back and legs. On another occasion he had used a chain to hang her in a tree and thereupon beat her with a four foot pole, striking more than forty blows upon her head, shoulders, and back. Another testimony revealed that Hannah was seen completely naked hanging in a peach tree on a cold frosty morning. On still another occasion she was burned by hot irons which Meyers applied to her shoulders, arms, thighs and with which he burned her ears, nose, and eyelids. Attempts to clip out the girl's tongue with scissors had been made by Mrs. Meyers. The badly bruised Negro girl had been seen by neighbors who swore that they observed sores "as big as both hands" and that her "ears were sore and full of blood." Some time during the night of December 22, Hannah died.

On an order that the body be dug up and examined by Dr. McKerhan, the report showed that he found "several wounds particularly inside her thighs, two cuts on her head, one on each lip, one on the shoulder. Her breast was bruised and there was a slit in her tongue. Mr. Meyers held that he did not consider a Negro to be the same species as himself and that Negroes had no soul. They were no better than a cow or horse and should be treated accordingly; and after all, contended Mr. Meyers, she was his property, and he had the right to beat her when and in whatever manner he pleased.<sup>55</sup>

Though on the banks of the Ohio River, this incident was not known in Ohio to any extent. Had it been common knowledge that the incident had occurred, Harriet Beecher Stowe, years later, would not have needed to transport Uncle Tom to the deep south to meet a Simon Legree.

Petitions by Negroes to remain in the state of Virginia were very little known in western Virginia before 1830, despite the fact that a law requiring them from emancipated Negroes had been in effect since 1806. It is particularly noticeable in the western counties that as the suits for freedom became less frequent approaching the year of 1830, the petitions of Negroes to remain became more common.

In Pocahontas County Robert Troute, a free man of color, was the subject of a petition to the Virginia Assembly from

<sup>55</sup> Pocahontas County Court, 1816, Box 25.

that county on December 9, 1824. Troute had "through industry and good economy" purchased not only his freedom after fifty years of servitude, but he had acquired "considerable property" in Pocahontas County. He desired the right to remain in that county only long enough to collect all of his debts and dispose of his property. This petition was considered "reasonable," and a bill was drawn on December 14 to the effect that he could remain one year.<sup>57</sup>

Lydia, a free woman of Greenbrier County, sought permission to remain there after her master, William Morrow, had granted her freedom for meritorious service. Her request was that she be permitted to remain until her father and mother were to be free (i.e. after the death of Morrow's widow), when they would all leave together.<sup>58</sup>

On November 30, 1828, Michael Smith, a free man of color, presented a petition to the Virginia Legislature in which he sought the right to remain in Hampshire County until 1832, when he would finish paying out a sum of three hundred fifty dollars for his wife, a slave girl he had married. Michael had been emancipated by Jeremiah Hite who declared in his behalf that he "never met a colored man of more real worth." Sixty-four of Michael's neighbors signed the petition.<sup>59</sup>

The pressure upon free Negroes in the western counties was not severe until after 1831, when the excitement of the Nat Turner insurrection struck fear into all sections of Virginia. Though slaves could not be legally married, the same laws of marriage that applied to white persons were applied to free Negroes. Free Negroes could be sued in the courts. Rufus Fowler, a colored man, was sued by Blair Moran who got judgment and collected one hundred dollars in the Ohio County Superior Court, October 24, 1815.<sup>60</sup> Any assembly of slaves was prohibited. Those breaking this law were to be punished by twenty lashes well laid on their backs. Any free Negroes or white persons entertaining slaves by any form of meeting was prohibited by law. Two free Negroes and two white persons were convicted of entertaining slaves in Wheel-

<sup>57</sup> Legislative Petitions, Pocahontas County, December 9, 1824, Virginia State Library.

<sup>58</sup> Legislative Petitions, Greenbrier County, 1827.

<sup>59</sup> Legislative Petitions, Hampshire County, 1828.

<sup>60</sup> Ohio County Superior Court, 1815, Enc. 28-C-2.



ing. The free Negroes were fined three dollars and twenty lashes. No penalty was ever placed against the two white men.<sup>61</sup> Bad language on the streets or in the "delicate presence of women" was contrary to laws of the General Assembly. Masters could carry their slaves to church where a white minister was preaching. In some parts of the West the Negroes were permitted to worship in their own way. At the Greenbrier Baptist Church, at Alderson, it was thought expedient that any Negroes coming to the church out of Christian experience or by letter "must expect to be treated as servants."<sup>62</sup>

On the whole the relationship between master and slave was kind, and approaching intimacy in the western counties. Most slave women in western Virginia were not involved in field work. Their tasks were generally those about the house, in cooking, care of children, and other house duties.<sup>63</sup> Except in small areas along the Kanawha where slavery was a hired labor system, slavery was paternal in the Trans-Allegheny.<sup>64</sup>

In the West the Negro population had increased from 5,270 in 1790 to 19,340 in 1830. Of that Negro population in the West in 1790, there were 612 of them free while 4,668 were slaves. By 1830, 2,167 were free persons and 17,673 were slaves. The white population of the West was 157,984 at that time. In the Kanawha Valley counties the increase in slave population was very little after 1830.<sup>65</sup> In fact, the Negro population of Trans-Allegheny Virginia was at its highest percentage in 1820, when it reached twelve per cent of the total population. Slightly less than ten per cent of those Negroes were free, while the remainder were slaves. The Negro population, slave and free, reached its highest number in 1850 and declined in western counties. Between 1820 and 1830, the depression period developed a disturbing condition in Virginia in which the planter was able to survive only by the broad leaf tobacco and the sale of Negroes to the South during flush days in Alabama and Mississippi.<sup>66</sup> The Kanawha Valley was disturbed by the passing of migrants to the West. Their contention was that laborers were fleeing the clutches of the slavery system. Many

<sup>61</sup> Ohio County, *Env.* W-B, January 1, 1822.

<sup>62</sup> *Greenbrier Baptist Church Minutes*, vol. 4th, September 27, 1861.

<sup>63</sup> *Early Slave, Historical Collections of Virginia* (Richmond, 1865), p. 137.

<sup>64</sup> Charles H. Ambler, *Slavery in Virginia from 1771-1861*, p. 109.

<sup>65</sup> Charles H. Ambler, *West Virginia, The Mountain State*, p. 228.

issues of the newspapers described these migrants in their westward flight. *The Kanawha Banner* article in 1830 was typical:

The emigration to the West this fall is immense. Since about the 1st of September scarcely a day has passed without a number of families being seen wending their way to the forests of the West. Recently the numbers have much increased. We have seen as many as eight or ten road waggons, with swarms of men, women and children about them, passing down our streets at the same time. They are, we believe, from the lower counties of Virginia and upper counties of N. Carolina and bound for Missouri.<sup>67</sup>

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<sup>67</sup> *Kanawha Banner*, November 5, 1830.